

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Annual Reports for the Year Ended December 31, 2002, Filed by
Commercial Mobile Radio Service Providers on a Confidential Basis

INFORMATION REGARDING CONFIDENTIAL FILINGS

Introduction

This information is being provided to assist commercial mobile radio service providers ("CMRSs") who wish to request confidential handling of portions of their Commercial Mobile Radio Service Provider ("CMR") annual reports. The statutory filing date for the CMR annual report covering 2002 calendar year operations is April 1, 2003; 58 CMRSs are required to file this report for the 2002 calendar year. The Commission has the authority to compel the filing of this annual report pursuant to Wis. Stat. §§ 196.202 and 196.218 and Wis. Admin. Code ch. PSC 160.

Filing Process

The 2002 CMR annual report is contained in the 2002 Other Telecommunications Annual Report Program, which is used by various telecommunications entities other than incumbent local exchange carriers. The 2002 CMR annual report essentially requires information identical to that requested in the 2001 CMR annual report. For the 2002 CMR annual report program, which was released on January 27, 2003, the Commission has continued a paperless filing process. The 2002 CMR program does not contain padlocks allowing users to file selected information on a confidential basis by locking the padlock next to the protected data.

Information Regarding 2002 CMR Annual Report Confidential Filings

All 2002 CMR annual report filings must be accomplished via e-mail, with an encrypted, zipped attachment containing the exported 2002 annual report information, together with an export status report and edit check listing.

Filing of the 2002 CMR annual report using the annual report program's e-mail capabilities (i.e., clicking on the "Export Data & Send to PSC" button in the program) will result in the entire report being available on a public basis. Any CMRS entity wishing to file a portion of its 2002 CMR annual report on a confidential basis should contact Commission staff concerning the particular procedures which must be followed for a manual annual report filing. CMRSs wishing confidential handling must submit a request, in accordance with Wis. Admin. Code § PSC 2.12, with their manual filing. Subsequent to such manual filing, the Commission will issue a confidentiality determination in accordance with the rule. If the Commission denies a request for confidential handling, the information will be handled confidentially until 14 days after the determination, after which it will be posted on the Commission's website along with the remainder of the annual report.

Previous Confidentiality Rulings

Three CMRSs requested confidential handling of the Wisconsin Gross Intrastate Operating Telecommunications Service Revenue information on p. 6 of the 2001 CMR annual report on the grounds that the information contained trade secrets, under Wis. Stat. § 134.90, and/or was information which would aid a competitor of a public utility, under Wis. Stat. § 196.14.

The Commission denied the requests, finding, among other things, that they failed to provide enough specific evidence to warrant confidential handling. Subsequently, a number of

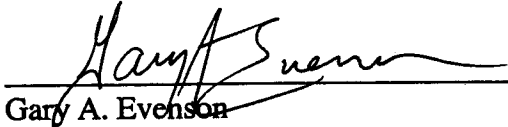
Information Regarding 2002 CMR Annual Report Confidential Filings

companies sought judicial review or filed a petition for reconsideration and stay of the Commission's determinations. The Commission voluntarily stayed its determinations pending the outcome of those court cases, which are still pending in the Dane County Circuit Court, and/or any subsequent related Commission action.

CMRSs requesting confidential handling of portions of their 2002 CMR annual reports should be aware that, under Wis. Admin. Code § PSC 2.12, they have the burden of establishing a reasonable basis to believe that the information is exempt from disclosure under one of the grounds listed in Wis. Admin. Code § PSC 2.12(3)(a).

Dated at Madison, Wisconsin, 24 February 2003

For the Commission:



Gary A. Evenson
Acting Administrator
Telecommunications Division

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